

Message Text

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ORIGIN NEA-10

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TO AMEMBASSY ISLAMABAD
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C O N F I D E N T I A L STATE 086757

E.O. 11652: GDS

TAGS: PGOV, SHUM, PK

SUBJECT: PAK EMB MINISTER DESCRIBES BHUTTO JUDICIAL
PROCEDURES

1. PAK EMBASSY MINISTER HAYAT MEHDI CALLED AT HIS REQUEST
ON DEPUTY ASSISTANT SECRETARY DUBS ON APRIL 3 IN ORDER TO
PROVIDE BACKGROUND INFO ON BHUTTO CASE. NEA/PAB BERRY SAT
IN. MEHDI MADE FOLLOWING POINTS ON GOP HANDLING OF CASE:

(A) TRIAL WAS NOT POLITICALLY MOTIVATED BECAUSE IT
EMANATED FROM 1974 COMPLAINT FILED BY KASURI AT TIME OF
INCIDENT. BHUTTO WAS NAMED AS PRINCIPAL IN INITIAL COM-
PLAINT BUT CASE WAS NOT ALLOWED TO PROCEED.

(B) TRIAL WAS HELD IN CIVIL COURT UNDER CIVIL LAW AND NOT
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A MILITARY TRIBUNAL. IT WAS OPEN TO PUBLIC AND PRESS EX-
CEPT FOR BRIEF PERIOD WHEN "DEFENSE TACTICS" MADE IN CAMERA
PROCEEDINGS NECESSARY.

(D) CASE HAS NOW BEEN APPEALED TO SUPREME COURT WHICH WILL
BEGIN HEARINGS ON MAY 6. COURT HAS AUTHORITY TO EXAMINE
CASE FOR FACT AND LAW, AND CAN CONFIRM, REDUCE OR REVERSE

SENTENCE.

(D) AFTER SUPREME COURT ACTS, CASE CAN BE APPEALED TO PRESIDENT WHO HAS WIDE POWERS TO ACT UNDER CONSTITUTION.

(E) TRIAL OF FORMER PRIME MINISTER IS ASSERTION OF EQUALITY OF ALL PAKISTANIS UNDER LAW AND ILLUSTRATES GOP DETERMINATION TO ADHERE TO DEMANDS OF JUSTICE AS WELL AS BEST INTERESTS OF NATION.

2. DUBS THANKED MEHDI FOR EXPLANATION AND REPEATED AMBASSADOR HUMMEL'S REMARKS TO MOFA THAT US EXPRESSION OF CONCERN OVER BHUTTO VERDICT WAS CONFIDENTIAL AND OFFERED IN SPIRIT OF FRIENDSHIP AND FRANKNESS. BHUTTO HAS MANY FRIENDS IN US WHO HAVE KNOWN HIM PERSONALLY AND OFFICIALLY AND EXECUTION WOULD HAVE ADVERSE IMPACT ON RELATIONS. WE HAVE NO INTENTION OF INTERFERING IN PAKISTAN'S JUDICIAL PROCEDURES, BUT THIS IS SENSITIVE MATTER IN WHICH WE HOPE CLEMENCY WILL BE CONSIDERED UNDER APPROPRIATE CONSTITUTIONAL PROVISIONS.

3. DUBS REFERRED TO RECENT PRESS CONFERENCE BY GENERAL ZIA AND SAID WE WELCOMED AND WERE PLEASED BY HIS REAFFIRMATION THAT ELECTIONS WOULD BE HELD EVEN THOUGH HE COULD NOT ANNOUNCE DATE AT THIS TIME. MEHDI RESPONDED HE FELT CONFIDENT ZIA WOULD KEEP HIS PROMISE OF ELECTIONS AS SOON

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AS "DECKS CLEARED" BY COMPLETION OF COURT CASES.

4. DUBS RAISED SUBJECT OF RECENT PRESS REPORTS INDICATING "THOUSANDS" HAD BEEN ARRESTED OR DETAINED IN PAKISTAN AND SAID WE CONCERNED BY HUMAN RIGHTS IMPLICATIONS OF SUCH STORIES AS WELL AS EFFECT ON COUNTRY'S IMAGE ABROAD. MEHDI SAID ARRESTS OCCURRED AS RESULT OF VIOLATIONS OF MARTIAL LAW BANNING POLITICAL ACTIVITY, BUT HE UNDERSTOOD THAT MOST, INCLUDING GENERAL TIKKA KHAN, HAD NOW BEEN RELEASED.

5. DUBS MENTIONED THAT QUESTION HAD BEEN ASKED AT NOON PRESS BRIEFING TODAY (SEPTTEL) RE OUR EXPRESSION OF CONCERN OVER BHUTTO VERDICT AND RESPONSE OF GOP. HE SUGGESTED THAT BOTH GOVERNMENTS, IF ASKED, SHOULD ACKNOWLEDGE THAT CONVERSATIONS OCCURRED BUT SAY WE DID NOT WISH TO REVEAL SUBSTANCE OF OUR CONFIDENTIAL DIPLOMATIC EXCHANGES. MEHDI AGREED AND PROMISED TO ADVISE HIS GOVERNMENT.

6. DUBS TOLD MEHDI OF BOMBING AT LAHORE CONGEN AND EXPRESSED APPRECIATION FOR HEIGHTENED SECURITY MEASURES TO PROTECT SAFETY OF AMERICAN PERSONNEL AND INSTALLATIONS AND

GOP PROMISE TO PURSUE INVESTIGATION OF INCIDENT VIGOROUSLY.
MEHDI OFFERED IMMEDIATE APOLOGY FOR INCIDENT AND SAID HE
WOULD CONVEY DUBS' APPRECIATION TO HIS GOVERNMENT. VANCE

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